IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE SWC Washington Street, Pennsylvania Avenue 4915 Washington Street

* BEFORE THE * ZONING COMMISSIONER * OF BALTIMORE COUNTY 13th Election District * Case No. 92-304-A 1st Councilmanic District Howard L. Boyd, et al

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * * *

The Petitioners herein request a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure (carport) in the side yard in lieu of the rear yard, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely aftect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

AFFIDAVIT

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative

TREE'S IN BACKYARD, UNEVEN TERRAIN

DOCTOR POVISES AGAINST CLIMBING STEP'S

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiants(s), and made onth in due form of law that the matters and facts hereinabove set forth are true and correct to the bast of his ney their knowledge and belief.

testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

Variance at the above address: (indicate hardship or practical difficulty)

AS WITNESS my hand and Notarial Scal.

T DEMONISTRATIVE VARIANCE

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore 1992 that the Petition for a Zoning Variance from Section 400.1 the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure (carport) in the side yard, in lieu of the rear yard, in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

> 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original

> > Zoning Commissioner for Baltimore County

LES/mmn

Zoning Description for 4015 Washington St. Beginning at a point on the Southwest corner of Pennsylvania Ave. which is 50' wide at the corner Washington St. which is 50' wide. *Being lot's #3-6, Section 2 in the subdivision Rosemont as recorded in Baltimore Count Plat Book#8 Folio #100 containing 10,625 sq.feet. Also known as the 13th Election District,1st Council District.

Mr. Howard L. Boyd Mr. Ralph B. Vincent 4015 Washington Street Baltimore, Maryland 21227 RE: Petition for Residential Zoning Variance Case No. 92-304-A Dear Messrs. Boyd and Vincent: Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order. In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

March 12, 1992

Baltimore County Government Zoning Commissioner

Office of Planning and Zoning

Zoning Commissioner

(410) 887-4386

LES:mmn encl.

Suite 113 Courthouse

400 Washington Avenue

Towson, MD 21204

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property located in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section____ 400.1 TO ALLOW A ACCESSORY CARPORT SIDE YARD IN LIEU OF THE REAR YARD of the Zoning Regulations of Baltimore County for the following reasons: (indicate turniship or practical difficulty) TREE'S IN BACK YARD, UNEVEN TERRAIN DOCTOR ADVISES AGAINST CLIMBING STEPS, HILLS, ET Property is to be advertised and/or posted as prescribed by Zoning Regulations. I/we agree to pay expenses of the above posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of BaltimoreCounty adopted pursuant to the Zoning Law for Baltimore County. I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition. J BREWER JA 8388 COUNTRY LIFE RU PASADENA MD. 21122 A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS ORDERED by the Zoning Commissioner Of Baltimore County, this _____ day of _____, 19___, that the subject matter of this petition be set in for a public hearing, advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

PETITION FOR ADMINISTRATIVE VARIANCE

Baltimore County
Zoning Commisi
County Office Building County Office Building 111 West Chesapeake Aven Towson, Maryland 21204 1.1.111 CARRY OF THE WARRANT STATE The street of the transfer of the section \$40.00 CHADARGOISMICTIPE Please Make Checks Payable To: Baltimore County

	CE ZOMMO DI	ETIFICATE OF PO EPARTMENT OF SALTI Yourn, Maryland	MORE COUNTY	92-304-1
District /3	th			Lencenca 5.
Posted for:	Marin Land			-/
Location of proj	2425-625-1-1-1-5 2425-23 212-11-5	Ling In Its		makennin.
•••	44.15-11.6 • Fantal			

Re: CASE NUMBER: 92-304-A LOCATION: SMC Washington Street at Pennsylvania Avenue 4015 Washington Street 13th Election District - 1st Councilmanic Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before February 23, 1992. The closing date is March 9, 1992. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in two local newspapers. Charges related to the reposting and advertising are psyable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Laisell .

Zoning Commissioner, Baltimore County

319

cc: John J. Brewer, Jr.

111 West Chesapeake Avenue

4015 Washington Street

Towson, MD 21204

Howard L. Boyd and Ralph B. Vincent Baltimore, Maryland 21227

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

(410) 887-3353

111 West Chesapeake Avenue Towson, MD 21204

March 2, 1992

(410) 887-3353

Mr. Howard L. Boyd 4015 Washington Avenue Baltimore, MD 21227

RE: Item No. 319, Case No. 92-304-A Petitioner: Howard L. Boyd, et al Petition for Administrative Variance

Dear Mr. Boyd:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

DATE: February 25, 1992 TO: Arnold Jablon, Director Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

Zoning Advisory Committee Meeting for February 18, 1992

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 315, 317 and 319.

For Item 306, this site must be submitted through the minor subdivision process for review and comments.

For Item 308, the highway widening is not shown on the plan as per record plat EHK, Jr. 53/121. The lot area would decrease .017 acre.

For Item 313, the area shown as being conveyed from Lot 7 to Lot 8 is a portion of an existing County easement (RW86-140-11). An existing 15-inch public drain is within this easement and in close proximity to the wall shown on the plat. This wall should be relocated beyond the limits of the easement.

For Item 314, this site is subject to the previous County Review Group comments.

For Item 316, this site must be submitted through the minor subdivision process for review and comment. The proposed right-of-way width from the site to Holly Neck Road is 50 feet.

For Item 320, Middleborough Road is proposed as a 60-foot right-of-way and Sassafras Road is proposed as a 50-foot right-of-way. A 10-foot widening is requested along these frontages.

ROBERT W. BOWLING, P.E., Chief Developers Engineering Division

Zoning Plans Advisory Committe Coments Date: March 2, 1992 Page 2

> 2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the peition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or imcompleteness.

> Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

> > Zoning Coordinator

BALTIMORE COUNTY

ECONOMIC DEVELOPMENT COMMISSION

Memorandum

Zoning Advisory Comments for Meeting of February 18, 1992

This office has no comment for items 306, 308, 313, 314, 315, 316, 317,

ZONING OFFICE

Julie Winiarski

February 14, 1992

319 and 320.

Development Management

Office of Zoning Administration and

A. J. Haley, Deputy Director Aut

Economic Development Commission

WCR:jw Enclosures

cc: Mr. John J. Brewer, Jr. 8388 Country Life Road Pasadena, MD 21122

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 2120+

(410) 887-3353

Your petition has been received and accepted for filing this 11th day of February, 1992.

Zoning Plans Advisory Committee

Petitioner: Howard L. Boyd Petitioner's Attorney:

Printed on Recycled Paper

4154-92 3/16/92

BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

DATE: March 12, 1992

Mr. Arnold Jablon, Director Office of Zoning Administration and Development Management

Rahee J. Famili SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: February 18, 1992

This office has no comments for item numbers 306, 308, 313, 314, 315, 317, 319 and 320.

Traffic Engineer II

RJF/lvd

MAR 16 1992 ZONING OFFICE 700 East Joppa Road Suite 901 Towson, MD 21204-5500

(301) 887-4500

FEBRUARY 12, 1992

Baltimore County Government

Fire Department

Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204

EE: Property Owner: HOWARD L. POYD AND RALPH P. VINCENT

#4015 WASHINGTON STREET Location:

Item No.: 319 Zoning Agenda: FEBRUARY 18, 1992

Centlemen:

Fursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

Noted and Fire Prevention Bureau Special Inspection Division

JP/KEK

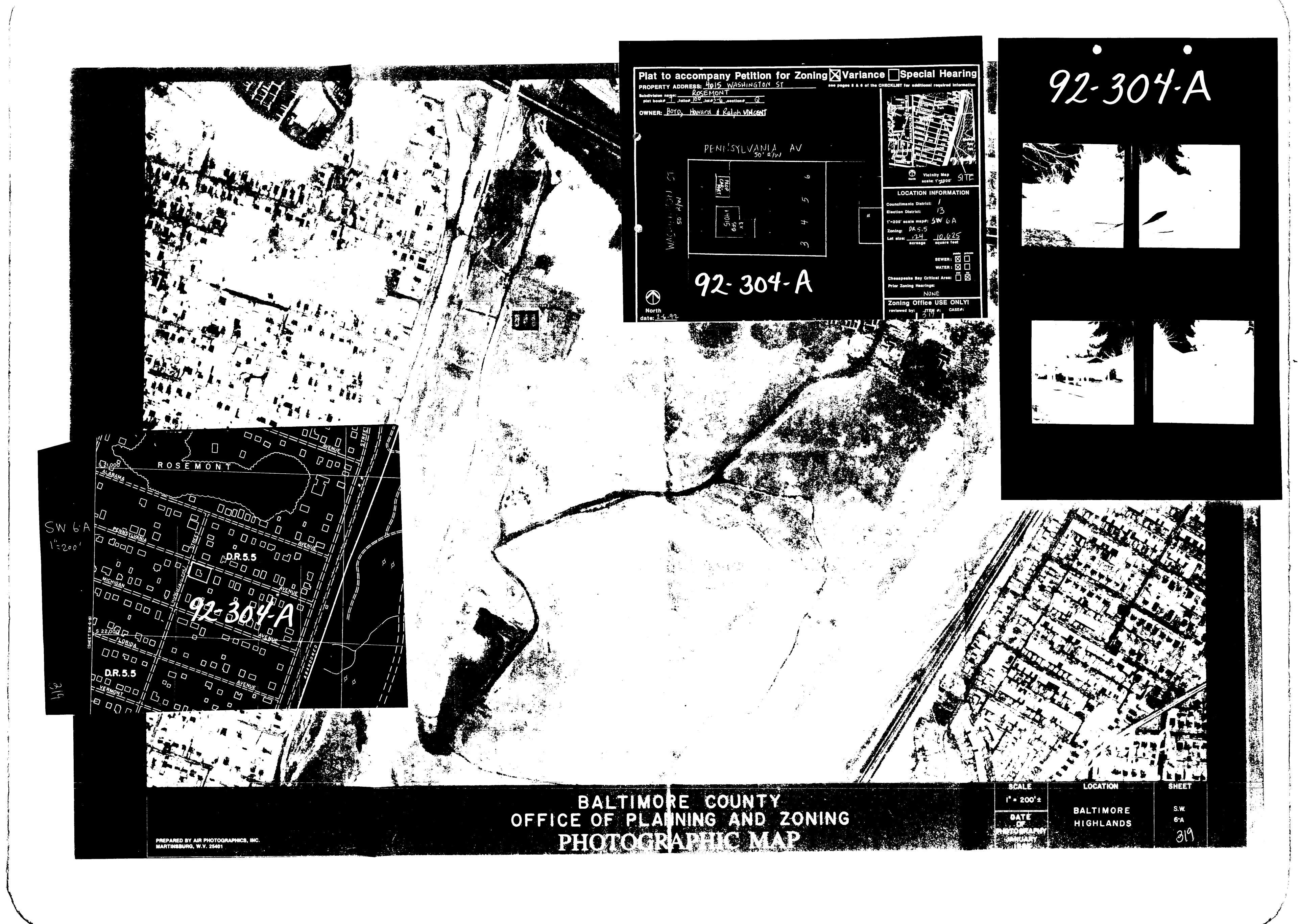
2/6/92 This work of soming violation, only a thop work from incling engineer Reference to ilderly and has medical problems

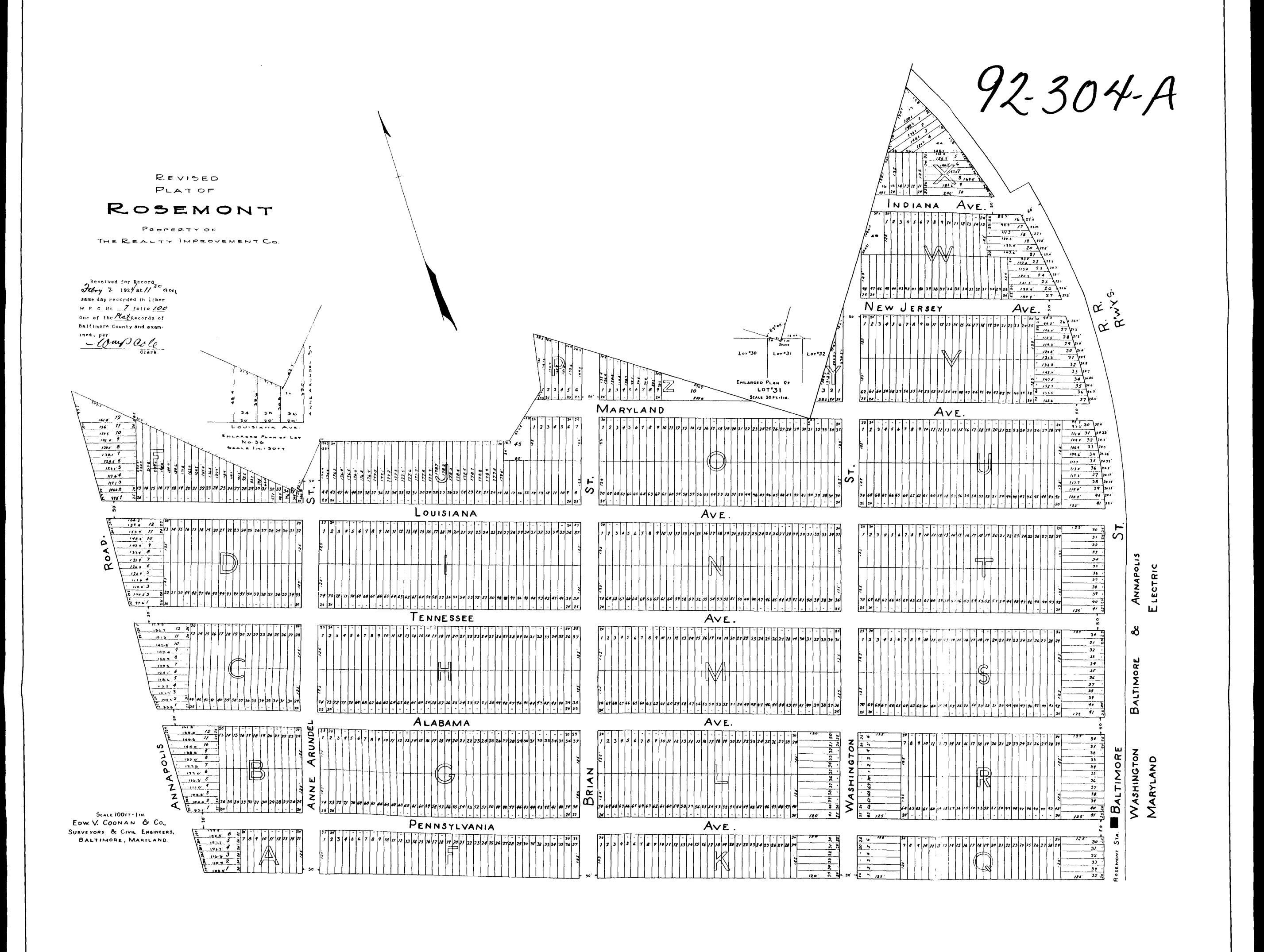
JOBLOCATEDAT 4015 WASHINGTON ST Notice No. G- 004751 STOP WORK ORDER I HAVE THIS DAY INSPECTED THIS STRUCTURE AND THESE PREMISES AND HAVE FOUND THE FOLLOWING VIOLATIONS OF THE LAWS OF BALTIMORE COUNTY CODE SEC. CONSTRUCTION OF CARPORT - NO PERMIT -YOU ARE HEREBY NOTIFIED THAT ALL WORK BEING PERFORMED A THIS LOCATION SHALL IMMEDIATELY STOP, WITH THE EXCEPTION OF NONE WHICH IS TO CORRECT UNSAFE CONDITIONS. FAILURE TO COMPLY CON-STITUTES A VIOLATION OF COUNTY LAW. THE CORRECTIONS MUST BE AN INVESTIGATION FEE WILL BE CHARGED-YES____NO DATE 1-8-92 SIGNED INSPECTOR DAVE TAYLOR ALL CORRECTIONS COMPLETE AND APPROVED DATE _____SIGNED INSPECTOR_____ DO NOT REMOVE THIS TAG

BALTIMORE COUNTY, MARYLAND

Office of the Buildings Engineer

RWB: 8





TRACED FROM ORIGINAL . SEPTEMBER 1964